

AUG 16 2007

**RESPONSE TO NON-FINAL OFFICE ACTION**

Serial No. 09/989,967

Title: IMAGING DEVICE LIST STORAGE

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**REMARKS****Response to Arguments**

The Examiner stated in the Response to Arguments in Items 1, 2 and 3 on Pages 2-4 of the Non-Final Office Action mailed May 16, 2007:

1. Applicant traverses the examiner's official notice that HTTP was well known and argues that even if HTTP was well known it would not be obvious within the meaning of 103 to enable Danknick's (U.S. Pat. No. 6,021,429) embedded server to communicate using HTTP.

The examiner has provided the HTTP 1.0 Specification, dated May 1996, which is evidence that HTTP was well known. The HTTP 1.0 Specification recites on page 1:

"The Hypertext Transfer Protocol (HTTP) is an application-level protocol with the lightness and speed necessary for distributed, collaborative, hypermedia information systems. It is a generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extension of its request methods (commands). A feature of HTTP is the typing of data representation, allowing systems to be built independently of the data being transferred."

Providing the lightness and speed necessary for distributed information systems is adequate motivation to use HTTP.

The examiner has also provided the article A Young Person's Guide to The Simple Object Access Protocol: SOAP Increases Interoperability Across Platforms and Languages, from the March 2000 Issue of MSDN Magazine, which states on page 4 that "one of the advantages of HTTP is its wide deployment and acceptance."

Providing a protocol that is widely deployed and accepted is an adequate motivation to use HTTP.

2. Applicant argues that the "supplemental information" relied upon by the examiner is either an address expiration time or a Network Information File (NIF). Applicant concludes that Danknick therefore does not teach that the imaging device (the printer) stores supplemental information selected from the group of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device image data.

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The examiner disagrees.

In figure 8, Danknick clearly shows that the list of device addresses includes device type and manufacturer. A type or manufacturer of an imaging device can reasonably be construed as an imaging device feature, configuration, usage information, or status as claimed.

Danknick also discloses that the list can include address expiration time or an indication that an address may not be current [column 7, line 57 - column 8, line 12; column 10, lines 25-45]. Such an expiration time or indication can also reasonably be construed as an imaging device feature, configuration, usage information, or status as claimed.

3. Applicant maintains that Danknick does not disclose a webserver. This argument is unpersuasive because applicant does not appear to have provided a supporting rationale.

In previous rounds of arguments applicant stated that a "webserver" is "a hardware or software component that communicates over the network via hypertext transfer protocol" [see Remarks filed 16 January 2007 at page 8]. The examiner agreed that Danknick did not expressly disclose use of HTTP.

Nonetheless, all that is required for Danknick's server to be considered a webserver is the mere use of HTTP to communicate. Such use of HTTP would have been obvious to one of ordinary skill in the art as detailed above and in the grounds of rejection below [see bullet #1 above; see also the rejections of claims 1, 13, and 15].

In regards to item 1 – Applicant respectfully notes that claims 1-11 and 13-20 were rejected under §102(b) in the Final Office Action mailed on January 29, 2007 and not under §103(a) as stated above in item 1. As such, anticipation was the basis for the rejection and not obviousness, as is recited in the present rejection.

Applicant also apologizes for any misunderstanding and notes that in the Response of March 29, 2007 Applicant was not arguing that HTTP protocol was not known in the art. Applicant was traversing the Office's taking of Official Notice that an imaging device with a management facility incorporated or expressed through an embedded webserver would have been obvious to one skilled in the art primarily on the basis of the networkable printer disclosed in Danknick and that HTTP protocol was notoriously known in the art. Applicant maintained

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that such was not disclosed by Danknick, either explicitly or inherently, and would not be obvious to one of ordinary skill in the art as neither Danknick or the fact that HTTP protocol was known in the art disclosed or suggested the missing elements of an embedded webserver and the embedded management facility expressed through that webserver. As such, Applicant contended that anticipation of the claimed invention was not justified and requested that further references or supporting reasoning be given in support of the taking of Official Notice.

In regards to item 3 – Applicant respectfully disagrees and contends that a supporting rational has been given that Danknick does not disclose or suggest a webserver, either explicitly or inherently.

Applicant has maintained, and the Examiner agreed, that Danknick does not explicitly disclose HTTP and therefore does not explicitly disclose an embedded webserver.

Applicant also contends that HTTP is communication protocol only, and that this communication protocol happens to be utilized by devices and software to communicate with, where only one such type of these devices and software are webserver. However, other devices can also utilize this communication protocol and not be webserver (such as browsers and dedicated device to device communications). Applicant thus respectfully maintains that, while Danknick discloses a network interface, it does not disclose or suggest an embedded webserver or an embedded management facility expressed through that webserver, either explicitly or inherently, even given the fact that HTTP protocol was known in the art. As such, one of ordinary skill in the art would also not view Danknick and the fact that HTTP protocol was known in the art as disclosing or suggesting a printer with an embedded webserver and/or embedded management facility. *See*, Response of January 16, 2007, Page 10; Specification of the Present Application, Figure 2B; Paragraphs [0021] and Paragraph [0025]; and HTTP 1.0 Specification, section 1.1 – purpose.

The Office seems to be making the argument that webserver are simply hardware or software that communicate via HTTP protocol, and that therefore, given that HTTP is well known in the art, imaging devices with embedded webserver that also contain an embedded management facility for management of the imaging device are obvious from the network expansion boards of Danknick. Applicant herein traverses this assertion. Applicant respectfully notes that the Office has the burden of providing a *prima facie* case that all elements of the claims are disclosed or suggested by the cited references. As such, the Office must establish a

*prima facie* case that Danknick discloses or suggests the elements of an imaging device.

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management facility incorporated or expressed through an embedded webserver or that such would have been obvious to one skilled in the art. As detailed herein, Applicant contends that such prima facie case for Danknick disclosing or suggesting the elements of an imaging device with a management facility incorporated or expressed through an embedded webserver has not been made.

Applicant has also reviewed the cited Response of January 16, 2007 and could not find the Office's cited passage of Page 8, wherein "applicant stated that a 'webserver' is 'a hardware or software component that communicates over the network via hypertext transfer protocol.'" However, Applicant notes that in the last paragraph on Page 10 of the Response of January 16, 2007, Applicant stated that "Applicant respectfully contends that one skilled in the art would not interpret 'an embedded webserver' as being 'any component that (1) is embedded within any other component and (2) serves information over a network,' but as a specific implementation of a hardware or software component of a networked device that communicates webpages and data over the network via hypertext transfer protocol (HTTP) standard." Applicant respectfully contends that "a specific implementation of a hardware or software component of a networked device that communicates webpages and data over the network via hypertext transfer protocol (HTTP) standard" is not simply a hardware or software component that communicates over the network via hypertext transfer protocol.

In regards to item 2 – Applicant respectfully disagrees and notes that regarding the Danknick, Column 7, Line 57 to Column 8, Line 12; and Column 10, Lines 25-45, only states that the list of device addresses of Figure 8 contains only "device addresses and corresponding device identification information for each device address" and that "device identification information" only "identifies a type of network device, e.g., a printer, a copier, a facsimile machine, etc." and "can also identify a manufacturer or any other device-specific identifying features." Danknick also discloses that "the list of addresses can include an expiration time as well (not shown in FIG. 8)" that lets the microprocessor know when an address on the list has expired. Applicant respectfully contends that the list of device addresses and corresponding device identification information for each device address of Danknick discloses storing only information with the list of addresses that can be utilized to identify the device and its manufacturer at the corresponding address or the expiration time of that identifying address. Applicant maintains that this information by Danknick's disclosure only identifies the device and the timestamp or reliability of the device address. As such, Applicant contends that

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does not disclose or suggest storing "supplemental information" as defined in the Specification, wherein the supplemental information is about the operating state of the device itself and is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate. *See*, Danknick, Figures 1-2, 5A-5B, and 8; Abstract; Column 7, line 25 to Column 8, line 65.

*Claim Rejections Under 35 U.S.C. § 103*

Claims 1-11 and 13-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Danknick (U.S. Patent No. 6,021,429) in view of the HTTP 1.0 Specification (Request for Comments: 1945, Berners-Lee et al., May 1996). Applicant respectfully traverses this rejection and submits that claims 1-11 and 13-20 are allowable for the following reasons.

Applicant respectfully continues to maintain that Danknick discloses a network device that discovers and stores a list of networked devices that respond to the same specialized discovery protocol on a network and does not teach or suggest an imaging device with an embedded webserver with a management facility that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device. *See*, Danknick, Figures 1-2, and 5A-5B; Abstract; Column 7, line 25 to Column 8, line 65.

Applicant respectfully continues to maintain, as noted by the Examiner, that Danknick does not explicitly disclose HTTP and therefore does not explicitly disclose an embedded webserver.

Applicant also contends that HTTP is communication protocol only, and that this communication protocol happens to be utilized by devices and software to communicate with, where only one such type of these devices and software are webserver. However, other devices can also utilize this communication protocol and not be webserver (such as browsers and dedicated device to device communications). Applicant thus respectfully maintains that, while Danknick discloses a network interface, it does not disclose or suggest an embedded webserver

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inherently, even given the fact that HTTP protocol was known in the art. As such, one of ordinary skill in the art would also not view Danknick and the fact that HTTP protocol was known in the art as disclosing or suggesting a printer with an embedded webserver and/or embedded management facility. *See*, Specification of the Present Application, Figure 2B; Paragraphs [0021] and Paragraph [0025]; and HTTP 1.0 Specification, section 1.1 - purpose.

Applicant also respectfully maintains, that Danknick does not disclose or suggest an embedded webserver, but a standalone program (CPUTIL) and related specialized communication socket (CPSOCKET) used by the network administrator. As stated above, Applicant traverses the Examiners taking of Official Notice and contends that it would not be obvious to one skilled in the art to incorporate an embedded webserver with a management facility in to the printer of Danknick, even if HTTP is considered notoriously well known. Applicant respectfully contends that there is no motivation or suggestion to modify the reference in the manner suggested by the Examiner and, further, that by disclosing a standalone program (CPUTIL) and related specialized communication socket (CPSOCKET) used by the network administrator, Danknick teaches away from utilizing an embedded webserver and industry standard HTTP. *See*, Danknick Column 8, lines 29-65.

Applicant respectfully maintains, as stated above, that the Examiner has not provided references to support his assertion of Official Notice of an embedded webserver with a management facility in to the printer of Danknick and continues to respectfully maintain that a seasonable challenge of the Examiner's taking of official notice has been undertaken and adequate information and argument given to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice.

Applicant therefore respectfully maintains that the cited elements of Danknick and the HTTP 1.0 Specification do not teach or suggest a an imaging device with an embedded webserver with a management facility that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device, and as such do not teach all elements of the Applicant's claimed invention, either alone or in combination.

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Applicant also contends that there is no motivation or suggestion to modify the reference in the manner suggested by the Examiner. Specifically, Applicant contends that to modify the networked printer of Danknick with HTTP protocol from the HTTP 1.0 Specification to provide the missing elements would require a modification of Danknick include an embedded webserver and management facility that is expressed via HTTP protocol through the embedded webserver. As detailed above, Applicant finds no motivation or suggestion to modify the operation of Danknick expressly or impliedly contained in the HTTP 1.0 Specification reference, and the Office Action does not provide a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Applicant thus submits that the Office has also failed to meet its burden of establishing a *prima facie* case of obviousness. See MPEP § 706.02(j) ("The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. 'To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.'"). Applicant therefore respectfully contends that the Examiner has not met the burden of establishing a *prima facie* case of obviousness in regards to independent claims 1, 13 and 15.

Applicant therefore respectfully maintains that Danknick fails to teach or disclose an imaging device with an embedded webserver and a management facility that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device. As such, the Danknick fails to teach or suggest all elements of claims 1, 13 and 15.

As detailed above, Applicant also maintains that HTTP 1.0 Specification discloses HTTP communication protocol only and does not disclose or suggest an embedded webserver and/or embedded management facilities, or imaging device having such. Therefore, as stated above, Applicant respectfully maintains that combining the elements of Danknick with HTTP protocol of the HTTP 1.0 Specification does not teach or suggest an imaging device with an embedded

webserver with a management facility that stores a list of other imaging device network

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addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device and therefore does not teach or suggest all elements of claims 1, 13 and 15. The Applicant thus maintains that independent claims 1, 13 and 15 are therefore allowable over Danknick, the HTTP 1.0 Specification and the Office's taking of Official Notice, either alone or in combination.

Applicant's claim 1 recites "[a] n imaging device comprising: an image generator, wherein the image generator is a print engine internal to a first imaging device; a network interface, wherein the network interface is adapted to couple the first imaging device to a network; an embedded webserver with a management facility; and a controller coupled to the network interface and the image generator, wherein the controller is internal to the first imaging device and is adapted to store a list of other imaging device network addresses; wherein the controller is adapted to communicate the list of other imaging device network addresses through the network interface to an imaging device management facility upon request; and wherein the list of other imaging device network addresses contains supplemental information on each of the other imaging devices, where the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate." As detailed above, Applicant submits that Danknick and the HTTP 1.0 Specification fail or Danknick and the taking of Official Notice both fail to disclose or suggest such an imaging device having an embedded webserver with a management facility that is adapted to store a list of other imaging device network addresses that is adapted to communicate the list of other imaging device network addresses through the network interface to an imaging device management facility upon request, wherein the list of other imaging device network addresses further comprises supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate, either alone or in combination. As such, Danknick, HTTP 1.0 Specification, and the Office's taking of Official Notice fail to teach or suggest all elements of claim 1.



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Applicant's claim 13 recites "[a] computer-usable medium having computer readable instructions stored thereon for execution by a processor of an imaging device to perform a method comprising: determining a list of network addresses for other imaging devices similar to a first imaging device, wherein the first imaging device contains a print engine; storing the list of network addresses on the first imaging device; and communicating with the other similar imaging devices utilizing a management facility on an embedded webserver of the imaging device by referring to the list of network addresses for the other imaging devices; wherein determining a list of network addresses for other imaging devices similar to a first imaging device further comprises determining supplemental information on the other imaging devices, where the supplemental information is one of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate." As detailed above, Applicant submits that Danknick and the HTTP 1.0 Specification fail or Danknick and the taking of Official Notice both fail to disclose or suggest such a computer-usable medium and method for execution by a processor of an imaging device to store a list of other similar imaging device network addresses and communicate with the other similar imaging devices utilizing a management facility on an embedded webserver utilizing the list of other imaging device network addresses through a network interface, wherein the list of other imaging device network addresses further comprises supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate, either alone or in combination. As such, Danknick, HTTP 1.0 Specification, and the Office's taking of Official Notice fail to teach or suggest all elements of claim 13.

Applicant's claim 15 recites "[a] method of operating an imaging device, the method comprising: determining a list of network addresses and supplemental information for other imaging devices similar to a first imaging device, wherein the first imaging device contains a print engine; storing the list of network addresses on the first imaging device, wherein the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate; referring to the list of network addresses of other imaging devices for communication between imaging devices; and directing the communication between the first imaging device and the other similar imaging devices through a network interface with a webserver and management facility embedded in the first imaging

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device." As detailed above, Applicant submits that Danknick and the HTTP 1.0 Specification fail or Danknick and the taking of Official Notice both fail to disclose or suggest such a method of operating an imaging device that determines and stores a list of other similar imaging device network addresses and supplemental information on each imaging device associated with the list of network addresses of other similar imaging devices wherein the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate, and communicates the list of other imaging device network addresses through a network with a webserver and management facility embedded in the first imaging device, either alone or in combination. As such, Danknick, HTTP 1.0 Specification, and the Office's taking of Official Notice fail to teach or suggest all elements of claim 15.

Applicant respectfully contends that claims 1, 13 and 15, as pending, has been shown to be patentably distinct from the cited references, either alone or in combination. As claims 2-11, 14 and 16-20 depend from and further define claims 1, 13 and 15, respectively, they are also considered to be in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1-11 and 13-20.

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**CONCLUSION**

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2207.

Respectfully submitted,

Date: 8/16/07

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